

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY

<b>United States District Court</b>	District      Indiana (Southern)
Name ( <i>under which you were convicted</i> ): QUINTEZ TUCKER	Docket or Case No.: 1:25-cv-
Place of Confinement: FCI Greenville	Prisoner No.: 98075-509
UNITED STATES OF AMERICA	Movant ( <i>include name under which convicted</i> ) V.      QUINTEZ TUCKER
<span style="border: 2px solid red; padding: 2px;"><b>FILED</b></span> <b>06/10/2025</b> <b>U.S. DISTRICT COURT</b> <b>SOUTHERN DISTRICT OF INDIANA</b> <b>Kristine L. Seufert, Clerk</b>	

**MOTION**

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

The Honorable Jane E. Magnus-Stinson, United States District Judge for the Southern District of Indiana at Indianapolis

(b) Criminal docket or case number (if you know): 1:22-cr-63

2. (a) Date of the judgment of conviction (if you know): 9/18/2024

(b) Date of sentencing: 9/10/2024

3. Length of sentence: 360 months' imprisonment; 3 years' supervised release

4. Nature of crime (all counts):

Count(s) 2,4,6,8,10,12,14,16: Interference with Commerce by Robbery, in violation of 18 U.S.C. §§ 1951(a) and 2;

Count(s) 3,5,7,9: Brandishing of a Firearm in Furtherance of a Crime of Violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2.

5. (a) What was your plea? (Check one)

(1) Not guilty       (2) Guilty       (3) Nolo contendere (no contest)

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or what did you plead guilty to and what did you plead not guilty to?

6. If you went to trial, what kind of trial did you have? (Check one)      Jury       Judge only

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?      Yes       No

8. Did you appeal from the judgment of conviction?      Yes       No

9. If you did appeal, answer the following:

(a) Name of court: \_\_\_\_\_

(b) Docket or case number (if you know): \_\_\_\_\_

(c) Result: \_\_\_\_\_

(d) Date of result (if you know): \_\_\_\_\_

(e) Citation to the case (if you know): \_\_\_\_\_

(f) Grounds raised: \_\_\_\_\_

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes  No

If "Yes," answer the following:

(1) Docket or case number (if you know): \_\_\_\_\_

(2) Result: \_\_\_\_\_

(3) Date of result (if you know): \_\_\_\_\_

(4) Citation to the case (if you know): \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes  No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes  No

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket of case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes  No

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes  No

(2) Second petition: Yes  No

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

*Because I did not understand.*

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. *Being shot in the head cause TBI to my brain. In addition, I was an impulsive, risk-seeking young man, easily to be influence because my brain wasn't fully develop into young adulthood.*

**GROUND ONE:** Mr. Tucker's Plea was not Knowingly, Intelligently and Voluntarily Entered as a Result of Ineffective Assistance of Counsel.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Please see supporting facts in Section IV.A.2-3 of contemporaneously submitted Pro Se Memorandum of Law in Support of Motion to Vacate; and EX #1, Declaration of Quintez Tucker in Support of Motion to Vacate attached to contemporaneously submitted Motion to Expand the Record.

*Because of my brain injury, and the fact that I was and still not quite mentally develop I could not understand the legal process. My misunderstanding of things has a lot to do with the environment I come from, adverse childhood experiences, substance use, lack of educational opportunities, and familial relationships.*

(b) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why:

Claims of ineffective assistance of counsel may be initially presented in a Section 2255 proceeding. *Massaro v. United States*, 538 U.S. 500, 155 L.Ed.2d 714, 123 S.Ct. 1690 (2003).

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes  No

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes  No

(4) Did you appeal from the denial of your motion, petition, or application?

Yes  No

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes  No

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND TWO:**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_

(b) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why:

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes  No

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes  No

(4) Did you appeal from the denial of your motion, petition, or application?

Yes  No

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes  No

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

**GROUND THREE:**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

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**(b) Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why:

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**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes  No

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

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(3) Did you receive a hearing on your motion, petition, or application?

Yes  No

(4) Did you appeal from the denial of your motion, petition, or application?

Yes  No

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes  No

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(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

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**GROUND FOUR:** \_\_\_\_\_

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why:

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes  No

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes  No

(4) Did you appeal from the denial of your motion, petition, or application?

Yes  No

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes  No

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

The claim of ineffective assistance of counsel which this motion is based upon was not previously presented to any federal court. Claims of ineffective assistance of counsel may be initially presented in a Section 2255 proceeding. *Massaro v. United States*, 538 U.S. 500, 155 L.Ed.2d 714, 123 S.Ct. 1690 (2003).

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes  No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:

(a) At the preliminary hearing:

Ms. Denise L. Turner, DTurner Legal LLC, 333 N. Alabama Street, Suite 350, Indianapolis, Indiana 46204.

(b) At the arraignment and plea:

Ms. Denise L. Turner, DTurner Legal LLC, 333 N. Alabama Street, Suite 350, Indianapolis, Indiana 46204.

(c) At the trial:

N/A

(d) At sentencing:

Ms. Denise L. Turner, DTurner Legal LLC, 333 N. Alabama Street, Suite 350, Indianapolis, Indiana 46204.

(e) On appeal:

N/A

(f) In any post-conviction proceeding:

N/A

(g) On appeal from any ruling against you in a post-conviction proceeding:

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes  No

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes  No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes  No

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

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\* The Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”) as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief:

vacation of his convictions and sentence

or any other relief to which movant may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on

06-4-2025

(month, date, year)

Executed (signed) on 06-4-25 (date)

  
\_\_\_\_\_  
Signature of Movant



If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
AT INDIANAPOLIS

QUINTEZ TUCKER,	)	
	)	
Movant,	)	USDC Case No. 1:25-cv-_____
	)	
v.	)	
	)	USDC Case No. 1:22-cr-63
UNITED STATES OF AMERICA,	)	
	)	Hon. Jane E. Magnus-Stinson
Respondent.	)	United States District Judge

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**DECLARATION OF QUINTEZ TUCKER IN SUPPORT OF MOTION  
TO VACATE, SET ASIDE OR CORRECT A FEDERAL SENTENCE OR  
CONVICTION PURSUANT TO 28 U.S.C. §2255**

**(EXHIBIT #1)**

I, Quintez Tucker, being competent to make this declaration and having personal knowledge of the matters stated herein, declare pursuant to 28 U.S.C. §1746:

1. I am the same Quintez Tucker, who was the defendant in the above entitled criminal case, pled before this court, and who is movant in the proceeding under 28 U.S.C. §2255 which is being instituted by the motion this declaration supports.

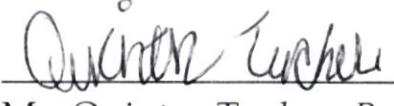
2. I was represented for all proceedings in this court by Ms. Denise L. Turner, DTurner Legal LLC, 333 N. Alabama Street, Suite 350, Indianapolis, Indiana 46204.
3. I suffer from mental health issues and a traumatic brain injury which impacts by memory and comprehension. Despite being aware of these conditions and my request for a mental health evaluation, my attorney did not request such evaluation.
4. I did not understand the charges against me or the likely sentence triggered by the plea agreement my former counsel told me I should accept. My former attorney told me that I must agree that "I understand" in response to any questions the judge might ask me about the plea offer in order to receive the best sentencing outcome. I pleaded guilty and answered as I did during the change of plea hearing based on this advice.
5. During the change of plea hearing, I followed counsel's advice. I agreed that I understood everything the Judge asked me about, despite not

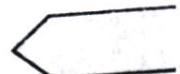
having much of an idea about a lot of what I was being asked. If my former counsel had not convinced me this was the usual process, I would have raised my concerns and confusion with the court.

6. In June of 2024, I asked my former counsel to withdraw my plea. I told her that I wanted to go to trial to preserve my rights and because I didn't feel it was fair that I – the youngest of the co-defendants in my case – was being forced to plead to most of the charges and face so much time. She refused and told me that I could not withdraw my plea.
7. If my counsel had withdrawn my plea as I asked I would have proceeded to trial.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2 day of June, 2025.

  
Mr. Quintez Tucker, Pro Se  
Register # 98075-509  
FCI Greenville  
P.O. Box 5000  
Greenville, IL 62246



Conner Tucker  
#0875504  
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(Legal  
Mail)

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**FILED**

JUN 10 2025

U.S. DISTRICT COURT  
INDIANAPOLIS, INDIANA